

**Notice of Allowability**

Application No.

09/995,557

Examiner

Barbara Summons

Applicant(s)

TAKATA, TOSHIAKI

Art Unit

2817

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments received 28 August 2003 and 06 November 2003.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 1/18/02 and 8/28/03 (replacement sheets) are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of the:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.  
(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.  
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input checked="" type="checkbox"/> Other IDS? comment.                           |

## **EXAMINER'S AMENDMENT/REASONS FOR ALLOWANCE**

### ***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in the last full paragraph on page 8 of 14 of the amendment received 8/28/03.

The application has been amended as follows:

### **In the specification:**

On page 11, the first full paragraph has been replaced by the following paragraph, superseding the change made to the same paragraph by the Preliminary Amendment received 1/25/02:

- - Fig. 6 is a table of the electrode duty in four samples A to D used in the experiment. In this experiment, as shown in Fig. 6, the series arm resonators 2a and 2b have the same structure, each having an interdigital width of about 17  $\mu\text{m}$  between the interdigitated fingers of the interdigital electrodes 21, and an electrode pitch of about 0.99  $\mu\text{m}$  (the surface acoustic wave has a wavelength of about 1.99  $\mu\text{m}$ ). Each of the resonators 2a and 2b includes a single IDT 21 having 100 electrode finger pairs (200 fingers in total), and two reflectors 22,

each reflector having 100 electrode fingers. The parallel arm resonators 3a, 3b, and 3c have the same structure, each having an interdigital width of about 50  $\mu\text{m}$ , and an electrode pitch of about 1.04  $\mu\text{m}$  (the surface acoustic wave has a wavelength of about 2.07  $\mu\text{m}$ ). Each of the resonators 3a, 3b and 3c includes a single IDT 31 having 40 electrode finger pairs (80 fingers [pairs] in total), and two reflectors 32, each reflector having 100 electrode fingers. - -

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

Regarding claim 3, the reasons for allowance remain as stated in paragraph 9 of the prior Office action dated 2/21/03.

Regarding amended claim 1, the prior art of record does not disclose or fairly suggest a surface acoustic wave (SAW) filter having every one of the specifically recited features, and especially also having "an insulating film deposited on and adhered to the interdigital electrodes" (see line 6 of the claim). The Examiner agrees with the argument that Nishihara et al. U.S. 5,796,205 teaches away from using such an insulating film (see the last paragraph on page 6 of 8 through the third paragraph on page 7 of 8 in the amendment received 11/6/03), thereby rendering Nishihara et al. an improper reference to use in any combination with a SAW filter having an insulating film on the interdigital electrodes. Nishihara et al. is the only prior art reference of record that teaches the feature of the parallel resonators having an electrode duty greater than that of the series arm resonators (see lines 12-13 of the claim) and, as discussed above, Nishihara et al. has been eliminated as a viable reference.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. It should be noted that it appears an IDS was filed 7/18/03, but that the form PTO-1449 was not scanned into the Image File Wrapper (IFW) system. Therefore, the Examiner has cited Kadota et al. JP 11-330905, which appears to be an equivalent of the scanned Japanese document submitted 7/18/03, on the accompanying PTO-892.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Summons whose telephone number is (703) 308-4947. The examiner can normally be reached on M-Th, M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pascal can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



bs  
November 18, 2003

**BARBARA SUMMONS  
PRIMARY EXAMINER**